



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2207506

Applicant Name: Tyler Goodmanson for Howland Homes

Address of Proposal: 4122 3rd Avenue NW

SUMMARY OF PROPOSED ACTION

Master Use Permit to divide one parcel into two unit* lots. Proposed parcel sizes are:
A) 1,982.93 square feet and B) 5,515.35 square feet. The original proposal was to subdivide one parcel into two separate building parcels but was changed to a unit subdivision which does not create separate building sites.

The following approval is required:

Short Subdivision - to create two unit lots.
(SMC Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
another agency with jurisdiction.

BACKGROUND DATA

Site Description

This 7,498.4 square foot site is located in a split zone, Lowrise 1 (L-1) and Single Family 5000 (SF5000) and is approximately one block east of Leary Way N.W. The single family portion of

the lot is located on the east 30' of the site. The site gently slopes up to the north and slightly to the west and is developed with a structure containing three dwelling units. There is currently no parking on site for the existing structure. There is an existing easement on the west side of the property that serves the property to the north.

Area Zoning

The two lots to the north and two lots to the south of the site are also split zoned lots (L-1 and SF5000). South, north and east of this area the zoning is SF 5000. Across 3rd Avenue N.W. traveling south between NW 40th Street and NW 42nd street the zoning changes from Single Family 5000, to Lowrise 1 (L-1) to Commercial 1 with a 40' height limit (C1-40) and then to Industrial Buffer (IBU/45 with unlimited height or 45' depending on the uses and floor area ratio) at NW 40th Street. The west side of Leary Way in this vicinity is zoned General Industrial 2 (IG2 U/45 with unlimited height or 45' height limit depending on the uses and floor area ratio).

Area Development

The immediate vicinity on the east side of 3rd Avenue N.W the development consists of single family residences in the single family zoned area and mostly multifamily structures in the multifamily zone. The west side contains a mixture of single family, multifamily and commercial uses.

Proposal Description

The applicant proposes to subdivide the subject parcel into two unit lots with sizes as follows: Unit Lot A) 1,982.93 sq. ft. and Unit Lot B) 5,515.35 square feet. The existing three unit structure on proposed Unit Lot "B" will be retained. A building permit, Project #2300358, has been submitted and is currently under review for construction of one single family residence to be located on proposed Unit Lot A.

Public Comments

Two comment letters in opposition were received after the comment period ended on December 18, 2002. The letters include concerns about density, parking, traffic, noise from any additional units on the site, obstruction of views and an increase in stray pets.

ANALYSIS - SHORT SUBDIVISION

Based upon information provided by the applicant; review and approval of access, drainage and zoning within the Department of Design Construction and Land Use (DCLU); the review and approval from the Seattle Water Department (SWD), Seattle Fire Department (SFD), and Seattle City Light; and review by the Land Use Planner, the following findings are made with respect to the criteria cited above:

- 1. Conformance to the applicable Land Use Code provisions;*
 - 2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
 - 3. Adequacy of drainage, water supply, and sanitary sewage disposal;*
 - 4. Whether the public use and interests are served by permitting the proposed division of land;*
 - 5. Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
 - 6. Is designed to maximize the retention of existing trees;*
 - 7. Conformance to the provisions of Section 23.24.045, Unit Subdivisions.*
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1. The proposed unit lot subdivision conforms to the applicable zoning and land use code. There is currently an application under review for the construction of one new single family residence in the L-1 zoned portion of the lot (application #2300358). The building permit was reviewed to ensure that all development standards of the L-1 zone are met, including but not limited to density, setbacks, lot coverage, open space, parking and access.
 2. Vehicular access to the unit lots will be from 3rd Avenue NW. The Seattle Fire Department has approved the unit lot subdivision. Parcels located on private access easements will be required to place an address identification sign near the intersection of the access easement with the public road for ease of identification of the property in the event of an emergency. In order to assure that the maintenance responsibility of the private access is clear, the applicant/responsible party will be required to attach a maintenance agreement to the final short plat. Seattle City Light requires an overhead/underground easement. These requirements will be included as a condition of the final short plat map to assure continued access for vehicles, utilities, fire protection and other emergency response.
 3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle and availability of service is assured subject to standard conditions of utility extension. Water availability certificate # 2002-1234 was approved and issued on 11/27/02. The stormwater drainage system to be incorporated with the construction of the new building will be reviewed for compliance with the applicable provision of the Stormwater, Grading and Drainage control code by the DCLU Access and Drainage Review Section. Drainage for this application and the proposed single family residence has been approved.

4. The public use and interests are served by permitting the proposed division of land; the proposal meets all applicable criteria for approval of a unit lot short plat.
5. This site is not in a mapped or observed environmentally critical area.
6. Tree retention and planting requirements were reviewed under the building permit application, #2300358.
7. The provisions of SMC Section 23.24.045, Unit Subdivisions, are as follows:

- A. The provisions of this section apply exclusively to the unit subdivision of townhouses, cottage housing, clustered housing or Single Family residences in zones where these uses are permitted.

The subject proposal would establish separate unit lots for one three units building and one single family residence on a lot zoned Single Family 5000 and Lowrise 1.

- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

The open space, as required, is located on each unit lot.

- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

The condition added pursuant to Criterion F below should assure proper control of future platting actions, additions or modifications to the structure(s).

- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open spaces (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

Joint use and maintenance agreements for pedestrian and vehicular easements and all common areas must be provided with the final recording documents and is a condition of this decision. A maintenance easement or agreement is required if maintenance access across another property is desirable or required to maintain any portion of a building.

- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that

parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

Required parking will be provided for the new single family residence within the structure. The existing three unit structure has no existing parking on site.

- F. The fact that the unit lot is not a separate building lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

Review of the survey shows that the proposed unit lot subdivision conforms to applicable standards of SMC 23.24.045 in the SF 5000/L-1 zone. As conditioned below, the future owners shall have constructive notice that additional development may be limited.

SUMMARY - SHORT SUBDIVISION

The lots to be created by this unit lot subdivision will meet all minimum standards of the SF5000 and L-1 zones set forth in the Land Use Code. As conditioned, this unit subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Add to the face of the plat the required Seattle City Light easement.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat "For conditions of approval after recording see page ____ of ____."
3. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set

shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.

4. Enlarge the typeface, use boldface type, underline or otherwise highlight the following on the face of the plat: "Unit lots resulting from this unit subdivision are not separate building lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot."
5. Submit the recording fee and final recording forms for approval.

Prior to Issuance of Building Permit

6. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat.

Signature: (signature on file) Date: June 12, 2003
Lori Swallow, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

LS:bg

Swallow/Docs/Unit subdivision/2207506draftdec.doc